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Chair

Mr. Anthony Housefather

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● (1540)

[*English*]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): Folks, I am going to call this meeting of the Standing Committee on Justice and Human Rights to order as we continue, pursuant to Standing Order 108(2), our study of human trafficking in Canada.

I'd like to welcome Mr. Falk back to the committee. We missed you while you were away.

[*Translation*]

I would also like to welcome Mr. Picard to the committee today.

[*English*]

We had some votes, so I'm sorry we're a little bit late.

We're going to go through each of the witness groups, and then we'll have questions for you. We'll go in the order on the agenda.

We'll start with the Canadian Alliance for Sex Work Law Reform. We're joined by Ms. Kara Gillies and Ms. Lanna Perrin.

Then we'll hear from the Canadian Council of Criminal Defence Lawyers, Ms. Lori Anne Thomas.

Next will be Persons Against Non-State Torture, Ms. Linda MacDonald and Ms. Jeanne Sarson.

We will then go to Sextrade101, with Ms. Natasha Falle and Ms. Bridget Perrier.

The Canadian Alliance for Sex Work Law Reform, the floor is yours.

Ms. Kara Gillies (Canadian Alliance for Sex Work Law Reform): Good afternoon, and thank you for the opportunity to address you today.

My name is Kara Gillies. I have 30 years' experience in multiple areas of the sex trade.

Today I am representing the Canadian Alliance for Sex Work Law Reform, a coalition of organizations across Canada working for law reform that supports the rights and safety of people who sell or trade sex, including safety from exploitation and trafficking.

Our members' experiences and both anecdotal and academic evidence lead us to conclude that the anti-sex work laws and the application of anti-trafficking measures harm all of us in the sex trade, whether we are there because it is our first choice, because of coercion or, as is the case for most of us, because we are simply looking for a viable way to support ourselves and our families.

Far from being protective, the anti-sex work laws and the end-demand model they represent actually facilitate trafficking by pushing people away from police and social services and into a clandestine underground.

In addition, the laws against managerial involvement in sex work divest sex workers of protective services such as screening and safe workspaces, the charter right to which was recognized by the Supreme Court in the Bedford decision. These same laws prevent sex workers from ensuring that our safety and rights are upheld when we do work for other people, because they exclude us from labour and human rights protections. These laws are also significant barriers to trafficking prevention. People who work with sex workers are well placed to detect and report trafficking, but simply don't do so because of fear of criminal prosecution.

The end-demand model and consequent criminalization of purchasing sexual services has had an equally terrible impact on trafficking prevention. Before PCEPA, clients were one of the best sources of information about abuse of sex workers. As opposed to other industries where trafficked people can be held in complete isolation, sex work by its nature requires private contact with people, i.e., clients, outside the inner circle. However, clients are no longer coming forward because they fear criminalization.

The argument that the demand for paid consensual sex fuels trafficking in the sex trade is akin to saying that the demand for better infrastructure, fresh produce, or new clothing fuels the trafficking that exists in the construction, agriculture, and garment industries. This is untrue. Trafficking is not caused by a demand for a service or product. It is caused by systemic, including legal, conditions that permit exploitation to occur in various labour and social environments.

The alliance does not oppose the current Criminal Code definition of trafficking and believes that a fear for one's safety or that of others is a reasonable measure of exploitation. It is our assessment that the low conviction rate is a reflection of the broad misapplication of the law to any abusive third party involvement in sex work, including those that simply don't meet the legal or conceptual standard of trafficking, and should not be addressed as such.

We are opposed to amending the definition of exploitation to include the concept of vulnerability, because we know that the ideological stance that labels all of us as inherently abused will make us targets of harmful anti-trafficking initiatives. To that point, the application of anti-trafficking laws and related measures actually harms the very people that they aim to protect. The heightened policing of sex workers that has become a routine part of anti-trafficking pushes us yet further underground, especially when we know that those around us are at risk of prosecution under anti-sex work laws.

Workers, our workspaces, and our ads are routinely surveilled, and we are subject to invasive investigation techniques, such as those of Operation Northern Spotlight. These leave us shaken. They interfere with our livelihood, and they foster further distrust in the police.

It is true that a small number of genuine trafficking cases are identified through these means, but I ask, at what cost? Imagine for a moment if these same techniques were used in relation to women experiencing intimate partner violence, which we know is a tremendous problem in this country. I have no doubt that if four or five uniformed police officers knocked on the doors of married women's homes, demanded to see identification, ran women's names through police databases, asked a series of deeply personal questions about their relationships, and then asked multiple times if they were being abused., chances are that some abuse would be uncovered, and some women would escape domestic violence. But at what cost would that be to all those women whose privacy, sense of security, and rights were violated, including the privacy and rights of those who were experiencing abuse? It would never be accepted, and we should not accept it as treatment of women who happen to be in the sex trade, even in the important fight against human trafficking.

Certain communities of sex workers are disproportionately targeted and impacted by anti-trafficking campaigns. Asian workers face racial profiling. Migrant workers are subjected to raids, detention, and deportation. Indigenous women continue to be over-policed and under-protected by law enforcement that remains racist and colonial in its practices.

● (1545)

Currently, pretty much any abuse of indigenous, migrant, or youth sex workers is uncritically addressed as trafficking. Not only is this generally untrue, but it is ineffective at preventing abuse because it ignores the differing structural contexts that inform why and how specific communities sell or trade sex and then experience violence. Instead, we need to address systemic issues like poverty and inequality, as well as the impacts of colonization on indigenous women, restrictive immigration policies on migrant women, and failed youth protection systems on young people, as key examples.

Overall, the harms of the anti-sex work laws and the anti-trafficking laws are the result of a singular ideological positioning that sex work is inherently a form of exploitation. The PCEPA explicitly reflects this opinion. This opinion has led to the current state where all sex work can be, and often is, considered trafficking. This conflation of sex work and trafficking means that any of us working in the sex trade can be the target of harmful anti-trafficking initiatives at any time. Also, when sex work is considered itself a form of violence, when actual violence occurs it's considered expected and is sadly condoned. Further, the conflation of sex work and trafficking creates confusion about what exactly we're discussing when we attempt to address trafficking, and then it leads to ineffective policies and practices.

Regardless of differing philosophies on the nature and value of prostitution, women's lives and safety should not be jeopardized through harmful laws. Laws should be based on evidence, not ideology, and they must uphold charter rights. Thus, all criminal provisions against sex work should be repealed as part of a genuine effective battle against trafficking. At the same time, state and societal resources should be directed toward anti-poverty, anti-colonization, and gender and racial equality measures.

I'm now going to turn it over to my colleague Lanna to provide some more insight.

Ms. Lanna Perrin (Maggie's Indigenous Sex Work Drum Group, Canadian Alliance for Sex Work Law Reform):

[*Witness speaks in Algonquin*]

My name is Lanna Perrin and I'm here representing Maggie's indigenous drum group, a part of Maggie's, which is also a part of the Canadian Alliance for Sex Work Law Reform.

I have been doing sex work since I was 16 years old, and I believe there are three reasons why people get into the sex trade: choice, circumstance, and coercion. Speaking for myself and knowing my stories and those of a lot of my indigenous sisters and brothers, most of the reasons we get into sex work are primarily circumstantial. Under the desperate decisions are things like these: we want to pay our bills, we want to pay our rent, we want to take a trip, I want to buy a $200 pair of Jordan running shoes for my son who is being bullied for being poor and for being brown.

I must appeal to your wallet, as a single mother with less than a college education. I could work a minimum-wage job at 40 hours a week at a place where I'm not valued, where I'm not happy, and where I can barely make ends meet. For five hours a week I could be happy, my client could be happy, and I could buy my son his $200 pair of Jordan running shoes and send my daughter on a nice grade 8 grad trip.

The laws that are in place right now isolate sex workers. Escort agencies, massage parlours, and sites like craigslist have been shut down, forcing sex workers to work alone in secrecy and in more isolation, going to street-level sex work where we are more vulnerable and likely to become trafficked and exploited.

Even with all this anti-trafficking money that is being poured into agencies right now, a place where once a sex worker was able to go and access services is turning her away unless she signs a paper and becomes a stat saying that she's willing to exit. If she does not want to exit, she's turned away. If she does want to exit, she's not offered housing, training, or education. The only thing she is offered is a support group once a week.

Being a sex worker has given me financial independence and allows me to travel and enjoy my life and raise my children in dignity. Sex workers are anti-trafficking and need labour rights to keep us safe. As a sex worker and an indigenous woman, I know that not a lot of sex workers or indigenous people will call the police, because the police are the foot soldiers of the laws that have oppressed and victimized us.

It is my true belief that decriminalizing sex work will allow people to work safely and securely, and we will be able to call the police and be taken seriously and not treated like hookers.

● (1550)

The Chair: Thank you very much.

We will now move to the Canadian Council of Criminal Defence Lawyers.

Ms. Lori Anne Thomas (Canadian Council of Criminal Defence Lawyers):

I thank you, Chair, and members of the committee. It is an honour to speak on behalf of the Canadian Council of Criminal Defence Lawyers.

I want to let the committee know that I speak not only as a defence lawyer but also as somebody who has represented, in human-trafficking cases, both sex workers and men traditionally known as pimps. I do come to this committee with a different experience.

I echo the comments of what witnesses said previously, as well as the comments in the PACE Society brief that highlights the various levels of consent and voluntariness in sex work. I also echo the concerns expressed regarding anti-trafficking initiatives that may hurt victims or sex workers who are not necessarily the target of this legislation.

Criminal provisions for human trafficking capture those who are victims of both psychological and physical exploitation. I would submit, however, that what they miss are those we would define as "victim offenders". These are people who have been psychologically exploited for a significant amount of time so that they now are objectively looked at as being in a position of making their own choice. In fact, if you were to delve in and talk to them, they probably are not in that position, and they probably would not be able to say why they choose to do what they do.

That's a lot different from somebody who continues, as Ms. Perrin said, to be in the sex work industry by choice. This is somebody who is giving their money away to somebody else, who is living out of hotels, and yet is now used as an intermediary to essentially get other sex workers. In other words, the person who's the real target of the legislation uses a middle person who is a sex worker and who has already been a victim to perpetrate their crime with another new person. What that means is that the middle person, the sex worker who was a victim and is now in an assisting role to the human trafficker, is captured by criminal legislation.

That becomes a problem because somebody charged with human trafficking faces a minimum sentence of four years. So you're talking about somebody who has not had the ability to speak to the police, has not had the ability to have other options, and now is finally maybe freed from the person who has victimized them—their pimp—but now is in a situation where they can barely defend themselves because they're looking at four years of further imprisonment where they have even less control than they did before.

In one of the cases that came out of the Ontario Court of Justice, that of Natasha Robitaille, Sage Finestone, and Nicholas Faria, Justice Mara Greene talks about an offender who had pleaded to prostitution-related charges. The main person, the male, did plead to human trafficking. What frequently happens, though, is that human trafficking generally gets charged, but it doesn't necessarily result in convictions because of the high standard of proof.

What it gets used for is to ensure that people plead guilty to something lesser to avoid the four-year minimum. In other words, these "victim offenders", as Justice Green has defined them, will now plead guilty despite the fact that their culpability may be significantly less. Now they maybe have some jail time, and they may also have fewer options than they had when they started the sex work, because now they have a criminal record as a sex offender. They have no ability to travel or do anything else.

When looking at that, one of the things to consider is that there's usually an option for anyone who's been forced psychologically or physically to do something to use the defence of duress. That's not available generally for sex workers, some of whom are working for pimps, because they often have an opportunity to change their situation.

● (1555)

As indicated, they're in rooms alone with clients. They have time when they can contact the police, and therefore they have options to get out of that work. However, that would require them to have that psychological desire to have that time to reflect on what's going on, to reflect on whether they're being victimized or not. Some may not see that as victimization right away. They may see that in time, when they've had some space and some introspection into looking into what has actually occurred to them.

One of the stories I want to let you know of is about someone who I represented who was a female sex worker in this role. She's given me permission to speak of her story.

She had no other options. She started dancing. She had somebody who didn't use physical violence on her, but did use violence on who I would say was a sex co-worker, another woman who was working for him. She gave all her money, and at one point, over some months, she was able to come and go in the hotels as she pleased. In other words, she wasn't under physical constraints, but she always had a level of fear of not obeying her pimp. She was charged with human trafficking, and as usual, the crown withdrew those charges partway through to request her to plead to the prostitution, the procuring charges. She ultimately did not, but it took three years for her to be able to even say her pimp's name. She was so protective of him throughout our time together that she would not say his name. It wasn't until about three years later she was able to not only say his name, but testify to his full legal name in court to help show the court that she was under psychological use. While she's supposedly procuring a woman to be in this work under the guise of human trafficking, she personally wasn't really a party. But it takes years to have someone have that reflection.

When you have legislation that doesn't take into account the vulnerabilities of those who have been victims, and then continue to assist people who they think are the only people on their side, what you end up doing is, as my other friends here have pointed out, taking in people who are more vulnerable to state action, so those who are indigenous, those who are non-white people. In reality, it does seem that when the police intervene they see people who are white as more likely to be victims and those who are not white to be less likely to be victims and more offenders or co-workers of the real human trafficker.

I don't know how I am doing for time, but I will just indicate that the Supreme Court as well has looked at this, but in an immigration sense. It's something to consider, and it's in R. v. Appulonappa where it talked about section 117 being overly broad and about those who are assisting, in other words those who have a different goal. When you're thinking of what to do, the top concern should be who is vulnerable, and how do we protect those who are actually vulnerable and victims of human trafficking, even if they're later in the game and not as recent as who the police may think at the time.

● (1600)

The Chair: Thank you very much.

We'll now go to the Persons Against Non-State Torture.

Ms. Linda MacDonald (Co-Founder, Persons Against Non-State Torture): Mr. Chair, we have dedicated the past 25 years exposing organized crime, family-based, non-state torture and human trafficking in Canada and internationally. We are published authors. Our latest co-authored chapter is titled "How Non-State Torture is Gendered and Invisibilized: Canada's Non-Compliance with the Committee Against Torture's Recommendations". It is in the book titled *Gender Perspectives on Torture: Law and Practice*, which was launched at the UN Commission on the Status of Women in March of this year.

The human trafficking victimized population we specifically refer to are girls, daughters, and spouses who were born into family-based, non-state torturers who trafficked them, and adults who were tortured and trafficked within the context of intimate relationships. They were harboured, held, controlled, and transported for exploitation to like-minded individuals, rings, or groups whose pleasures were sadistic, sexualized torture, which is never consented to. This specific group must be identified as existing in Canada, contributing to organized crime.

Human trafficking descriptions must be understood as involving organized, family-based typologies that can include in-home torture gatherings coded as parties, transportation to like-minded others within their communities or further afield, exploitation into pornographic and prostitution victimization, and now, online trafficking.

The age of human trafficking exploitation can begin with newborn infants, recognizing the pleasures of some perpetrators or buyers who harm them. This truth-telling is evidence collected by the Canadian Centre for Child Protection and reported to the Minister of Public Safety.

Our first recommendation is naming and making visible non-state torture, terrorization, and horrification inflicted by family-based, organized, criminal, human traffickers or buyers. For example, in a web research questionnaire we conducted in 2009 in which 128 people responded, 57, or 37%, said that guns, pornography, and snuff images were used to terrorize and horrify them. For decades women speaking about snuff films were disbelieved. This denial must end.

Torture and its accompanying terrorization must be named and codified to uphold a trafficked person's ability to invoke the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or CAT, in Canadian courts, and be included in their victim impact statement versus being redacted.

The ability to denounce criminal, family-based, non-state torturers and traffickers is necessary to educate society; to develop investigative and preventive interventions; and to ensure the tortured person's telling, which can help uphold the credibility and reliability of persons so tortured and trafficked and contribute to their victimization-traumatization recovery.

Safe, immediate access to housing is necessary for exploited women and girls to heal and it is required that police concentrate on arresting the traffickers and buyers.

There needs to be a shift in social attitude about human trafficking. It is not sex. It is not solely about poverty. It is the intentional and purposeful criminal abuse of vulnerabilities and positions of power, and violence perpetrated by traffickers and buyers against another human being.

The sustainable development goals that Canada has committed to achieving have the imperative of leaving no one behind. It is a human right not to be subjected to torture by human traffickers, buyers, or any person regardless of their status. Target 16.2 is to end abuse, exploitation, trafficking and all forms of violence and torture against children. Target 5.1 is to end all forms of discrimination against women and girls everywhere. Target 5.2 is to eliminate all forms of violence against women and girls in public and private spheres. Target 10 is to eliminate discriminatory laws, policies, and practices by promoting appropriate legislation, policies, and actions in this regard.

● (1605)

Ms. Jeanne Sarson (Co-Founder, Persons Against Non-State Torture): I will do recommendation two.

Criminalizing non-state torture must occur, given that human traffickers could also be non-state torturers.

Our rationale for this recommendation is that the RCMP and police reports identify that human traffickers and buyers commit torture. This recommendation would provide a legal tool for them.

Canada has been asked twice by the UN Committee Against Torture—in 2012 and 2017—to incorporate torture by non-state actors into Canada's law.

In 1994-95, the UN resolution titled "1994/45 Question of integrating the rights of women into human rights mechanisms of the United Nations and the elimination of violence against women" started global recognition that women's rights are human rights and they suffer extensive forms of violence simply because they are women or girls.

In 2008, the Human Rights Council resolution 8/8 on CAT asked the special rapporteur on torture and state parties—Canada—to integrate a legal gender perspective that included torture perpetrated by non-state actors.

In 2010, the General Assembly resolution 65/205 called upon states—on Canada—to adopt a gender-sensitive framework in relation to the CAT, so all acts of torture are specifically criminalized "under domestic law".

In 2012, the UN committee explained, in conversation with the Canadian governmental delegation, that it was essential to remove the discriminatory treatment of women or men who suffered non-state torture.

Criminalizing non-state torture occurs in many countries, or states within a country, such as Queensland, Australia; Michigan and California, USA; Belgium; and Rwanda, to name a few. This is based on the human right principle that it is not the status of the person that defines who a torturer is, but is defined by the acts they commit.

In closing, the UN Committee Against Torture makes the distinction that forms of human trafficking can amount to torture. It is our opinion that political perspectives that dismiss torture by non-state actors, such as human traffickers and buyers, are institutional betrayal and express attitudes of structural cruelty. Thus, we close with this quote from our chapter in *Gender Perspectives on Torture: Law and Practice*:

> Canada's actions to legally misname non-State torture as another crime, such as aggravated assault, to reject [the] United Nations resolutions that encourage the Committee against Torture to practice human rights non-discrimination by becoming inclusive of gender-sensitive manifestations of violence that amounts to torture, to ignore that soft law sets standards of conduct not completely lacking in legal significance, and to refuse to consider evolving international law standards that address due diligence in a gender-sensitive manner mean that Canada is no longer a human rights global leader working to eliminate all forms of violence against women and girls.

We end by asking this committee to take responsibility to change Canada's future human rights treatment of all persons who have suffered non-state torture and human trafficking by naming and criminalizing non-state torture.

Thank you.

The Chair: Thank you very much.

Now we will go to Sextrade101.

Ms. Bridget Perrier (Co-Founder and First Nations Educator, Sextrade101): *Aaniin*. I'd like to thank you for the opportunity to be here, to be the voice for indigenous survivors of human trafficking across Canada. I'd like to acknowledge that I'm standing here on the traditional territories of the Algonquin Anishinabe nation.

My name is Wasa quay. My English name is Bridget Perrier. I was born in Thunder Bay, Ontario, where I was given up for adoption and adopted by a non-native family.

Nothing in our Ojibwa language describes the act of selling sex, and if it's not in our dialect, it's not for our women and girls. My focus for the next four minutes will be on sex trafficking as an indigenous survivor and from a front-line perspective.

At 12 years of age, I was lured and debased into prostitution from a child welfare-run group home. I was sold to men who felt privileged to buy sex from a child. Most times they would never ask about the bruises and welts that my traffickers inflicted on my body. I can remember one time servicing a sex buyer who complained to my trafficker that I was slow and disobedient. This was because of my injuries, which prevented me from having sex the way the sex buyer wanted. I was black and blue with a dislocated shoulder after a beating by my pimp, who still forced me to service men when I was tired, hungry, strung out, and very vulnerable.

Whether it was outdoors or in an escort service, especially when I was with an agency, the threat of violence was constant, from the person arranging the sale to the driver who brought me to the call and then to the sex buyer who felt that he owned me for the hour that I was there.

I spent 12 years in the sex trade, between the ages of 12 and 24. Upon exiting, it took me about four years to even speak about it and eight years of intense therapy to begin to heal. Still to this day I suffer the effects physically. I have trauma womb and reproductive issues, and nerve pain from the physical abuse and torture. Emotionally, I still suffer and sleep with the lights on, and I can't be startled or surprised. I'm still afraid of the basement, which is where the laundry machines are. I don't go in the basement unless I have my dog with me. I'm full of anxiety when certain types of men are around. I lost my innocence and my teen years due to men needing sexual access to my body.

Please, do not offend us as survivors today by referring to sexual exploitation as sex work. We were prostituted and exploited. What we endured was neither sex nor work.

In Canada, trafficking disproportionately impacts indigenous women and girls. Several studies have shown that, of women and girls who have been sex trafficked or sexually exploited in prostitution, 52% were indigenous. The average age of entry is 12 to 15 years, and in some cases, as young as nine.

Girls from northern communities are at risk, and control by the trafficker can take on many forms. He poses as a boyfriend, a drug dealer, an older man supplying them with drugs and a place to stay. He poses as an uncle, a father figure, maybe their daddy. They are coerced to perform sex acts, as many as six to 10 times a day, seven days a week, and hand over money or bring back the equivalent in drugs.

Survivors have described their experience as multiple incidents of paid rape. Who is the demand? It is many men, not just a few. Traffickers are also diverse. While some gangs are involved, it's still small networks of men. Unlike a drug, which you can sell only once and it's gone, traffickers sell women and girls over and over again. Missing and murdered indigenous women and girls are linked to human trafficking. We must look at who's doing the killing. It is the buyers and sellers. There are no screening tools that can screen for violence and murder.

● (1610)

The most harmful impacts are on indigenous women and girls. We need the laws to benefit us, not perpetuate racism and create further harm. We have to make the laws work for indigenous women and girls rather than making it easier for perpetrators to victimize.

A Canadian government led by a self-identified feminist and women's equality rights Prime Minister needs to start listening to survivors and all Canadians and not just those with the most money and loudest voices.

I speak for the 400 girls who I've helped exit prostitution. Some of the girls that I work with are the same age as my daughters. We're watching them get pulverized in the sex industry. With this, I'd like to pass on to my partner, Natasha Falle.

● (1615)

Ms. Natasha Falle (Co-Founder and Director, Sextrade101): Thank you for the invitation to speak today. I'm going to briefly tell you a little bit of my background.

I am a survivor of both independent prostitution and forced prostitution. For seven years of my 12-year stint I was trafficked by a known pimp and felt pressured by the sex industry to gain his protection due to the amount of violence I dealt with on a daily basis by entitled and often abusive men. I was then abused not only by sex buyers, but by my pimp as well. Once he was shot twice by a pimp whose intention was to shoot me. He stabbed another man seven times for assaulting me. We were taught not to go to the police. We were taught to deal with violence with our own hands in the sex industry. Involving the police brought bad attention to their establishment. He would often tell me that I owe him my life for what he did and no one would love me the way he did. It's now been two decades and he is still a pimp, promoting himself as a stag manager with a website he probably built for free and a business licence he probably paid $120 for.

I'm going to talk a little bit about our coalition.

We are Canada's leading survivor activists regarding the sex trade industry and organized pimp violence. We offer public awareness and education on all aspects of the sex trade in order to eradicate myths and stereotypes about prostitution by replacing them with facts and true stories for women who have been enslaved by this dark and lucrative industry.

We are a group of very diverse and unique Canadian women. Our backgrounds and our stories are quite different. The common thread is prostitution. We have come together under the organization Sextrade101: Public Awareness and Education, to promote ourselves as sex trade experts, front-line workers, speakers, teachers, advocates, and activists for the rights of sex trafficking victims and prostitution survivors. Our reasons for this unity are personal to us. Our main goal is to offer a deeper insight into what the sex trade really consists of. Our stories differ one from the next. Some of us have horror stories, heartbreaking stories, stories that will make your jaw drop, and likewise powerless stories.

Aside from the sensationalism that surrounds prostitution, we want to be bold about telling you the truths within the trade. We have been collectively afraid, raped, beaten, sold, and discarded. Most of us were also children who were forgotten, neglected, abused, used, led astray, abandoned, and not protected. We believe every one should be shown a viable way out of the sex trade, not encouraged to stay in it. We believe in helping people understand the full picture of life in prostitution before they get involved and in helping women get out alive, with their minds, bodies and lives intact.

We are ready for a dialogue, for sensible, healthy communication with others who believe as we do. It's going to take a collective effort for us to abolish the world's oldest oppression. We offer first-hand knowledge of the barriers people face when trying to get out, and stay out, and we create opportunities for positive change for those enslaved by the sex trade and/or sex trafficking.

One of the items up for discussion today is the human trafficking strategy to combat human trafficking. This strategy is divided into four parts: the prevention of human trafficking, the protection of victims, the prosecution of offenders, and working in partnership with others both domestically and internationally. The only major comment we have about the human trafficking strategy is about prevention. These are the steps that were to be implemented for the goal fo prevention: promote training for front-line services, support and develop human trafficking awareness campaigns within sex trafficking, provide assistance to communities to identify places and people most at risk, and strengthen child protection systems within the Canadian International Development Agency's programs targeting children and youth.

That's all good, but there has been no coordinated effort do defund the sex industry. Reducing the money that fuels the sex industry requires that men be discouraged from purchasing sexual services. This is the only way we can expect to see a reduction in sex trafficking.

Some will say that traffickers are really bad and sex buyers aren't doing anything wrong, so we must go after the bad guys, the traffickers. Traffickers do it for two reasons, mainly for the money and secondarily for the notoriety. Therefore, if the market demand is high, if the money is available for the taking, trafficking will happen. Police enforcement against trafficking does not reduce human trafficking rates because being pursued by law enforcement, and even going to prison, helps the traffickers achieve the same notoriety as a gangster. Contrast that with police enforcement against buying sex; sex buyers are much less likely to buy sex if they know being arrested is a realistic possibility.

Sadly, john sweeps have been greatly reduced since the Bedford challenge to the prostitution law. Even with the new prostitution legislation, Bill C-36, purchasers of sex are supposed to be criminalized, yet very few are.

Academic studies do not support the notion that normalizing and regulating prostitution reduces human trafficking. However, there are many academic studies from around the world that indicate that enforcement against the purchase of sexual services does achieve that goal. Information to the contrary, used by the pro-prostitution lobby, is merely anecdotal. It is not credible and must therefore be disregarded.

● (1620)

Prostitution is violence, sexual violence, and discrimination at the hands of sex buyers for the profits of the sex trade, including pimps and brothel owners. Prostitution is gendered and preys on the most vulnerable women and girls. Of the 40 million to 42 million prostituted individuals in the world, 80% are female, and three-quarters are between the ages of 13 and 25.

Prostitution in many countries, and in Canada, under the Protection of Communities and Exploited Persons Act, is seen as incompatible with women's equality and human rights.

The PCEPA already decriminalizes prostituted women in almost every situation, so why would the Liberal Party want to decriminalize pimping?

With no debate or information provided, the Liberal Party voted in favour of a resolution calling for the decriminalization of pimping and the repeal of Bill C-36, despite the fact that both the Conservative and Liberal parties had legal experts review Bill C-36 and found it to be unconstitutional.

We are survivors, and very few of us have been asked for our input at the tables. Also, we are extremely disturbed that you would refer to exploited women and girls as sex workers. Sex work and sex worker are terms that were invented by the sex trade to normalize exploitation and mask the harm of prostitution.

We are asking why the government is being influenced by the pro-decriminalization, pro-pimping lobby, in violation of Canadian and international law.

All women and children have a right to equality before and under the law, as well as the right to dignity and the right to live free of prostitution and violence in all its forms. We have the right to be protected from men who proposition us for sex and think their money can buy all women and girls.

You must understand the relationship between prostitution and sex trafficking. Sex trafficking is the engine that pimps and traffickers use to bring their victims to prostitution. Without a vibrant sex trade, there would be no sex trafficking. It is the male demand for prostitution that fuels sex trafficking.

You already have the tools to decrease—

The Chair: Now I need to intervene. You're at 13 minutes and 41 seconds. I know you have a page and a half left of the brief—we have the brief in writing.

Ms. Natasha Falle: Okay.

The Chair: So if you're just going to read it, I'd ask you if you could wrap it up.

Ms. Natasha Falle: Can I just read some of the recommendations that we have here?

The Chair: Again, yes, we have it in front of us in writing, but of course, if you feel that you need to, but I just ask you to wrap it up in about a minute just because you're already now twice over the time.

Ms. Natasha Falle: Can I read the two survivor statements that we have?

The Chair: Sure, if that's the end. Please just read the two.

Ms. Natasha Falle: Thank you.

"I am writing this as a survivor of human trafficking. I entered an exit program in 2003, which is where I met Natasha Falle. She was the counsellor and manager of the program at Streetlight Support Services. She was so understanding and inspirational that I asked what I should do to escape the hell I was living in. While completing four weeks of group counselling on understanding violence against women in the sex trade, she suggested I take an abused women and counsellor program at George Brown College. I had no idea that I was even a victim of trafficking. I simply thought I was a lost soul who was helping my 'boyfriend' out with his bills. He was my pimp and I didn't even consider myself a trafficked woman. I soon noticed a biased teaching perspective that many of my professors shared. They seemed to think that prostitution was a woman's choice and made it seem feminist. I could barely contain myself from screaming out, no! This is not a choice but a lack thereof. It is not empowering but an abuse of power over me, my body, and by my pimp. If we as women, teachers, senators are to fully understand the complex and deep-reaching tentacles of the beast that is the sex industry, we need to have a more balanced dialogue that includes abolitionists' experiences and information. We need to listen and learn from the ones on the front lines: the survivors. With all due respect, I ask that you help shape the future for counsellors, front-line workers, and police officers with a more realistic and true view of the ugly and oldest oppression, prostitution, and recognize how prostitution and sex trafficking are indeed interconnected."

Can I read the next one?

● (1625)

The Chair: Again, you can read it if you feel you need to. We'll put it in the record because we have it here.

Ms. Natasha Falle: Okay, go ahead and put it in the record, I'm good.

I'm ready for the questions, thank you.

The Chair: Thank you so much, then. I appreciate the very complex testimony that it is.

We're going to move to questions, and we're going to start with Mr. Nicholson.

Hon. Rob Nicholson (Niagara Falls, CPC): Thank you to all of you who have come here today. It is, in some sense, very emotional to hear your stories, and I want to thank you for that.

Linda MacDonald and Jeanne Sarson, generally, in our system of law, torture almost by definition is state torture. That's what it is. With respect to the Criminal Code, it's generally defined as assault, aggravated assault, those sorts of things.

In your experience with this whole question of non-state torture, do you think this is why governments have resisted getting involved with this? Is it because they think they may be changing the definition or is it possible that if you started to call it torture, that it might be more difficult to prove? We heard from Ms. Thomas about some of the challenges of prosecuting some of these areas. Do you think that's part of the reason why the law hasn't been changed in that area?

Ms. Linda MacDonald: In other countries, the law has been changed. For some reason, Canada is resisting this. We're not sure why, except they're saying that aggravated assault is sufficient or that we would minimize state torture if we started recognizing the torture that women and girls endure. I don't agree with that. I think that actually it would raise the standards so that the suffering that women and girls are enduring as torture would be raised up to be equal to state torture.

The government has used different excuses all along, but the world has changed and the United Nations is saying that Canada is really not keeping up with how torture has been gendered, just as there's a whole book now written about gender and torture. It's a new way of looking at.... We're not saying that all women and girls endure torture. There are specific behaviours, and I don't believe it would be difficult to prove because, in its essence, torture is intentional. I can't understand what other reason we could have for torturing an infant with an umbilical cord still on, for caging and shackling and gang rape. I don't know what other intention there could be. I don't see how that would be difficult to prove.

Hon. Rob Nicholson: Fair enough.

Ms. Gillies, you said that sometimes people who find themselves assaulted find it is sometimes sadly condoned by the law enforcement agents, if they come forward.

Could you elaborate on that a bit?

Ms. Kara Gillies: Yes, because we're now having to live and work in a context where all sex work is considered an inherent form of violence, when actual violence does occur, sadly the attitude is, "Well, that's what you signed up for." That's what I'm speaking to, and it's something we see quite regularly.

Hon. Rob Nicholson: Are police forces not charging that individual? Do they just shrug their shoulders at the woman—usually the woman—who's been assaulted?

Ms. Kara Gillies: Yes, except in cases where somebody is prepared to identify as being trafficked, which is where lies our concern about the focus and resources going into trafficking, because as I think we've heard some people say, unless you identify as being trafficked and unless that's the way you are forced to interpret it and present your experience, you're going to be denied access not just to police protections and the court process, but also to other social services, largely because at this point in time a lot of the funding that's directed to people who sell or trade sex is specifically for anti-trafficking initiatives.

Hon. Rob Nicholson: Ms. Falle, one of the issues we have talked about at this committee, or one of the suggestions that's been made to us is that, if we go out of our way to try to identify the people, the institutions, or whoever are involved with trafficking of human beings, we'd be better off.

You indicated that the individual who was trafficking you is still around or he's in his business here. How would you feel about naming him?

Ms. Natasha Falle: He's Deveral Anthony Deerr. He's also known as Dobby.

Hon. Rob Nicholson: Thank you very much.

Did we get that for the record here?

The Chair: Yes, we did.

Hon. Rob Nicholson: I think that's important for these people who commit these types of crimes, and I know Ms. Perrin, you indicated somebody, and Ms. Perrier, if you want to give us the names of those people, we'd be glad to have them.

I truly believe that when publicity and focus is on these people who commit these disgusting crimes, we're all better off for it, so people know what they're getting involved with.

● (1630)

Ms. Bridget Perrier: My trafficker was organized crime. One of my traffickers is female. Her name is Sherry Taranien.

Hon. Rob Nicholson: Thank you.

Ms. Perrin, did you want to name anyone?

Ms. Lanna Perrin: No, I don't think.... I never claimed to be a trafficked person.

Hon. Rob Nicholson: Fair enough.

Ms. Lanna Perrin: I said that sometimes in the industry, especially as of late, people who are forced to work street-level sex work are often more vulnerable to be exploited and trafficked.

Hon. Rob Nicholson: That's what your colleague said, that sometimes when they are physically abused, it doesn't get reported.

Ms. Thomas, you heard the suggestion that the word "torture" be used in non-state violence against a person. You'd be completely familiar with the Criminal Code, the different provisions. What are your thoughts on that?

Ms. Lori Anne Thomas: My thoughts are that when you have those words, they seem to address the concern, but what you'll have is, I think, a defendant who will be less likely to take responsibility when the word torture is attached to the criminal offence.

It's the same with human trafficking. When you have those kinds of terms, even if the result is about the same.... I will say that whether it's prostitution in procuring or human trafficking, if there are similar elements, the actual sentence is about the same. The range is not that much different, but when you add those words, I can let you know that the defendants tend to have a mental block trying to take that responsibility because, unfortunately, when I'm speaking about males—and I'm not speaking about the females who have been prostitutes or sex workers—who are completely taking advantage and receiving money without providing any protection or anything like that, they don't necessarily see themselves as the bad guy. That may be different from what everybody else in the public does, but they don't see themselves that way, so you will essentially have to have a trial, and that again takes the burden on the crown to a higher level to get to the level of torture.

In my submission, I can see the concerns echoed by my friends here, but I do think that would be more of a hindrance to them taking responsibility and pleading guilty.

Hon. Rob Nicholson: Thank you very much.

Thank you, Mr. Chair.

The Chair: Thank you very much, Mr. Nicholson.

Ms. Jeanne Sarson: I just would like to quote the Supreme Court of Queensland, Australia on the case R. v. HAC. This was a case of a husband who was found guilty of torturing his wife, and they did make the distinction. They found that he tortured her for six months, so he was found guilty of the torturing and sentenced to 10 years for the torture, two years for the assault, five years for the rape, and was declared a serious offender.

I just believe that, if they can do this in Australia, if they have the capacity to distinguish between crimes, we Canadians surely have the capacity to do that here in Canada.

Thank you.

The Chair: Thank you.

Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

I'm going to start with Ms. Falle and Ms. Perrier.

First, I want to clarify your comments regarding the Liberal Party convention. The resolutions of the convention are not government policy and they're not binding in any way on the government.

You seem to be quite opposed to the position of the Canadian Alliance for Sex Work Law Reform. I believe the alliance wants us to decriminalize all sex-related work or services so that we can focus more clearly on human trafficking, violence, coercion, and so forth. You, however, want us to go the other way to more heavily enforce anti-sex work or anti-sex service, whatever you want to call it, and, by that means, stop human trafficking. These seem to be opposite approaches.

Do you see any value at all in decoupling the sex trade, if you will, from the human trafficking circumstances?

● (1635)

Ms. Natasha Falle: No, I don't.

In fact, I know first-hand that sex worker-led organizations that promote prostitution as a viable job option put victims of human trafficking at a greater risk. It is detrimental to their health, their safety, and their well-being. They are exposed to pimps in their organization, pimps who they have aligned with and who they refer to as bodyguards and managers. I believe that without prostitution we would not have sex trafficking.

I'm surprised to see them on this panel today because, for the most part, they deny the magnitude of the issue of human trafficking in this country. I am triggered by their content. Much of it sounds like the conditioning and the brainwash that I received by the other women who were being sold by the pimps, whether they be the escort agency pimps, the strip club owner pimps, gang pimps, or solo pimps. It's all the same game.

In that industry we are led to believe that we should not trust the police, when in fact, many of us have had very positive experiences working with the police. By throwing them all in that same bracket, it undermines our good experiences. It's almost like a silencing tactic that we are used to.

We're often bullied by sex worker organizations on Twitter. You can go on our pages and see it for yourselves. We're often bullied. We have been told that we have rape fantasies by sex worker-led organizations.

Mr. Ron McKinnon: I don't see that they're lumping everyone together in the same basket. They're saying there are sex-trafficked people who are human trafficked, but there are others who are not—

Ms. Natasha Falle: Yes, but—

Mr. Ron McKinnon: —that they're not one and the same thing.

Ms. Bridget Perrier: It took me a good eight years out of prostitution to realize that I had been trafficked.

When we're talking about youth, and you throw a couple of hundred dollars at them, that's exploitation. To say that youth can sell sex and be youth sex workers, to me, is like saying that your worth—

Mr. Ron McKinnon: I'm not saying that youth can do this.

Ms. Natasha Falle: Yes, they called them youth sex workers.

Ms. Bridget Perrier: They just said it. They just said it earlier. They did.

Ms. Natasha Falle: Yes, they called them youth sex workers.

The Chair: Okay. This is not a debate between you and another group that is testifying.

Mr. Ron McKinnon: I'd like to come back to the questions, please.

Anyway, I thank you for your input, but I am going to ask Ms. Gillies to respond as well.

Ms. Kara Gillies: I think it's quite clear that we take very divergent, even opposing positions on this issue. We all have very different lived experiences, and even when we have some shared or similar experiences, we interpret those very differently.

It is indeed the case that the trading and selling of sex exists along a whole spectrum of experiences and contexts, with trafficking being at one end and people more freely selecting sex work at the other. Most of us are somewhere in the middle, where we make decisions that seem best for us, often within a series of very constrained circumstances.

That said, there is definitely exploitation and abuse within the sex trade outside of actual trafficking, and that's very similar to the exploitation and abuse that we see in other informal and precarious labour sectors. For example, there is a big difference between working in a sweatshop, where there are no labour protections, and working in a well-established, labour-oriented industry. However, it doesn't mean that if, for example, the industry is the garment industry, we'll say we are going to eliminate the whole garment industry because there are areas of abuse within it.

I have to say that I feel truly bad for my colleagues at the end of the table. I can hear that they have suffered extreme trauma and are still suffering that trauma, and I really wish that collectively we could move forward with a solution. I do, however, believe that the solution is differentiating between types of abuse and allowing people who continue—like me—to work in the sex trade to do so with safety and dignity, which is currently being denied.

I do not want me or somebody close to me to end up in a horrific situation, and I think that the laws, as they are currently positioned, put us at risk in exactly that manner.

Mr. Ron McKinnon: Could I get a response from Ms. Thomas, as well? I believe that your position is more aligned with the Alliance.

● (1640)

Ms. Lori Anne Thomas: I think it is.

As I said, there are definitely people who are absolute victims, and that can't be lost. Certainly the criminal justice system needs to intervene when that comes into play.

My concern is when it overreaches and takes people who are victims, who then seem to be assisting the real true human trafficking offenders. When you have that, you have women who have now been exploited, as Ms. Perrier has said. You don't necessarily realize the control that you're under at the time, so you may be participating unwillingly in trafficking other human beings. That's my concern when the criminal justice system intervenes.

I will say that is similar to my client, who actually tried many times throughout the last year and a half of her proceedings to speak to the police and said, "I will assist you if you will ask the prosecution to end." She was out of the sex work. She still offered an open invitation to the police to speak to them and let them know who she felt were people who were trafficking other human beings, and that offer was never taken. In fact, instead, she was questioned on the stand whether she was of lesser value because she was a woman of colour compared to the actual considered victim, who was white.

That is my concern, that you have someone who I have to explain to that the criminal justice system doesn't always seem just. She was very lucky. She was acquitted, but she still had to endure with paying, at times, for her own defence, dealing with bail conditions, and dealing with the stigma. I will say that she almost committed suicide while waiting for her criminal charges to come to an end, and this was after she was out of this industry.

My concern is going to be for the people who are truly vulnerable and for who the criminal justice system doesn't see as vulnerable, until they take time to actually investigate what is actually going on with those people.

The Chair: Thank you so much.

Mr. Rankin.

Mr. Murray Rankin (Victoria, NDP): I would like to thank all the witnesses for their really compelling testimony. I would like to particularly thank Ms. Perrier and Ms. Falle for being so open in sharing really horrific stories with the committee.

As Mr. McKinnon demonstrated through his questions, we have a diversity of opinion on a very difficult topic. This committee is studying human trafficking, but inevitably, as you've indicated, we're having to delve into the line between human trafficking on the one hand, and perhaps there is no line...but a perception that sex work has been with us for a long time. Whether we choose to call it that or not, it's certainly been a fact of life for generations and generations.

Sextrade101 does some valuable work, and you've told us a bit about it with your survivor statements in particular.

Do you not think that there may well be...or can you conceive of people in the industry who are empowered and not necessarily in need of your services? Ms. Perrin has told us about people who have gone into this because it's a better alternative for them than perhaps the kind of life they would otherwise have to live in poverty. Can you not conceive of that? Are there not people who may well be satisfied with their work?

Ms. Natasha Falle: I'm going to speak to my personal experience, and then I'll answer a little bit more.

Had you asked me in that 12-year stint if it was a choice, I would have told you yes. It was the only choice that I felt I had. I didn't have another option of equal or greater value. I did not go into this with an informed choice, nor do most of us. An informed choice would have meant we would know there would be violence; we would be aware of the violence we'd experience on a daily basis.

I have met a very few women who have sold sex and found pleasure while servicing their johns, and we could look at maybe some sex addiction there. Where does that come from? It's usually issues from childhood, issues that have not been resolved. How much of a choice is it in that case?

I don't think our laws should reflect or revolve around the small percentage who say this is what they want to do, this is where they want to be, when we know first-hand that this industry harms a mass number of women and children. I don't believe that any child under any circumstances goes into this by choice.

● (1645)

Mr. Murray Rankin: All right, I understand that. I appreciate what you're saying, and your desire to cut the demand, as you put it, from the buyers, to discourage men from buying sex. Whether that's realistic or not is for others to decide.

I want now to talk to you, Ms. Gillies and Ms. Perrin, because you came at this from a very different place.

I gather from your materials that you are against the Nordic model, if I can call it that. You're in favour of decriminalization. You want to remove the sex-work specific criminalization. You want to enforce the laws that exist to address violence, exploitation, and trafficking, because those laws are already in place.

As I heard you say earlier in your analogy to sweatshops, you want to apply a labour framework to legislation and use health and safety laws to deal with this issue. It sounds like Ms. Thomas is somewhere with you on that to some degree as well.

I'm only trying to summarize. I think you would say that sex work can be voluntary, can be a profession, and you're concerned, if I can summarize, about conflating human trafficking with legitimate sex work.

Do I have your position?

Ms. Kara Gillies: Yes, indeed.

Mr. Murray Rankin: All right.

Do you think that criminalizing buyers of sex will help victims of trafficking?

Ms. Kara Gillies: No, I think the opposite is true.

Mr. Murray Rankin: Our current laws allow us to criminalize the buyers of sex, although some have testified—I think it was you, Ms. Thomas—that there are very few convictions, and few convictions of human trafficking; they plead down to Criminal Code convictions like procuring or living off the avails and the like. That's the reality, and that's why we never get any convictions because of that.

Is that fair?

Ms. Lori Anne Thomas: That's fair.

Again, the human trafficking can be used for a plea bargain tool on behalf of the crown. In terms of people purchasing sex, I can't think of any cases. I mean, I just can't, so—

Mr. Murray Rankin: The possibility of that drives women to fear for their safety, because the fact that you can charge them means they're reluctant to go forward to the police and talk about it.

Ms. Lori Anne Thomas: Exactly.

Ms. Kara Gillies: If I can draw a parallel to the old bawdy house laws, we know that in Canada there were relatively few bawdy house convictions, but in Bedford, the Supreme Court found the fact that the law prevented us from having safe, stable places to work was a violation of our right to security of person. Sometimes simply the fear of the law is just as powerful as the actual enforcement of that law.

I can tell you that since the criminalization of purchase came into play, clients are much less likely to communicate with us. We have a harder time negotiating what we're going to do, how we're going to do it, safe sex practices, and what sexual services we will or won't provide. Clients are no longer willing to give their real names or any identifying information. It makes screening for our safety much harder, but what I was really referring to in relation to this consultation around human trafficking is that I have worked for almost 30 years, not just as a sex worker, but doing advocacy, and I can tell you there was a time when I could pick up the phone at an organization like Maggie's and speak to a fellow who would say, "I just wanted to let you know I was down at such and such parlour. I'm really concerned that something bad is happening with those girls, because I saw and heard this or that." There's now radio silence, because these men know that if they step forward, they themselves could be facing prosecution. I'm concerned that we are missing a significant tool in our battle.

Mr. Murray Rankin: The model you would prefer, then, the decriminalization model, would be like the New Zealand model, I presume.

Ms. Kara Gillies: That would be an excellent parallel, yes.

The Chair: Thank you very much. Mr. Rankin.

We're going to go to Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): Thank you, Mr. Chair.

Thank you all for being here today.

I want to pick up on that last point by Mr. Rankin. He mentioned the Nordic model and the New Zealand model.

We heard some testimony previously about the German model and some of the problems associated with their laws and with what's going on in Germany right now. There seems to have been an influx, or surge, of people being trafficked as a result of that type of model in Germany.

I'm wondering if you could speak to that, Ms. Gillies, and any concern you would have about following that type of model.

● (1650)

Ms. Kara Gillies: I'm hesitating for a moment because there are many different models and approaches to regulating sex work in different areas across the globe. I will say that some of the models, like those to which you're referring, are what can generally be called legalized models. Legalized models create very strict and limited circumstances under which certain people are able to work, as opposed to, say, the model in New Zealand, whereby it's not about creating really oppressive conditions; it's about removing the criminal law and allowing existing employment, occupational health and safety, and public health laws to come into play instead.

Any legal model needs to be tailored to a particular legal context and to a particular country. What may or may not work in Germany, for example, may or may not work here. Part of the problem, though, is that there is a conflation of trafficking with sex work, and then when one tries to address both of them together, one ends up with sometimes disastrous outcomes.

Mr. Colin Fraser: If I can turn to you, Ms. Thomas, with regard to the low rates of conviction for human trafficking, there are all kinds of reasons for that. We've already heard some of those reasons today.

Are there any changes to the Criminal Code that you would see as beneficial in order to assist the prosecution in making out these charges, or is it fine the way it is because people plead out to lesser charges and it helps the prosecution get a conviction that way? I'm concerned that if it's not being utilized in an effective manner, then perhaps there should be changes.

Ms. Lori Anne Thomas: Looking just at the human trafficking as distinct from the prostitution, I think it is fine the way it is, because for one thing, the case law has also indicated that in terms of the offence itself there is a big difference between the application of human trafficking and, in contrast, procuring without the aggravating factors that are generally present with human trafficking. In that way, I think it's fine.

The only thing I would add is an exception to remove the mandatory minimum, because I think the mandatory minimum prevents those who are less culpable from having sentences that are more aligned with their actual culpability. Also, there should be one to allow a defence of duress when there is some psychological harm, but not in the same way as is currently stated in the criminal law, which requires that if there is an opportunity for the person to call the police, than the person is no longer able to afford themselves the application of a duress defence. I think there should be a consideration for those who may be under a psychological duress which still means that they may not call the police even though there's an opportunity to call the police or to seek protection.

There are people who plead guilty to human trafficking just to get the minimum, but those who go to trial can easily, if there are the aggravating circumstances that have been defined by the criminal law and by the code and if those are presented...I can let you know that those people will be convicted.

That is why plea bargaining sometimes works in getting to the lesser offence, because sometimes you'll have the victim testifying at preliminary hearings and asserting things. If the victim is consistent and looks to be holding up well under any cross-examination, that is something that probably won't go to trial in the superior court, because the evidence is enough to convince somebody that we have a very strong witness here and you're not going to be successful at trial.

Mr. Colin Fraser: The circumstances of the offence would obviously matter on sentencing, and any aggravating factors, such as a human trafficking element, would require a higher sentence as well.

Ms. Lori Anne Thomas: That's correct.

In addition, even if—and I want to be clear—somebody pleads to the lesser offence of procuring, for example, they will still read in the aggravating factors. If they are serving a penitentiary sentence, that will be something that follows along with them when they go to have their parole hearings. The aggravating factors, even if not the actual human trafficking offence, that apply will still be read in.

Mr. Colin Fraser: Thanks very much.

Ms. MacDonald and Ms. Sarson, thank you for coming back to our committee. I know you were here on a different matter before, but I appreciate your thoughts on this.

Just so that I understand, when we're talking about human trafficking in the context of torture, are there people actually being trafficked for the purpose of being tortured? Is that what you're saying, or are you saying that human trafficking in and of itself is torture?

I just want to be clear on that.

● (1655)

Ms. Linda MacDonald: No, what we're saying is that families who have children to torture and to groom to endure torture deliberately traffic them for profit and for pleasure. They are a specific group. That's the knowledge that we have, our expertise: the families traffic them.

Mr. Colin Fraser: Do we have any idea of how prevalent that is in Canada?

Ms. Linda MacDonald: No, because there's no law and there's no research and data in this country to have it clearly identified. We've talked to many women in Canada and other countries, but we don't know the breadth of it.

I can say that the London Abused Women's Centre is now collecting data on torture, and they have been for the last two years. The incidence of reporting torture has gone up the longer the staff have been trained to know how to understand what torture is and how it's being identified.

It's our understanding that if all the violence centres in Canada were trained, we'd probably hear a lot more stories about torture in this country.

Mr. Colin Fraser: Thank you.

Can I ask one more quick question?

The Chair: Yes, a quick question.

Mr. Colin Fraser: Ms. Falle and Ms. Perrier, thank you for being here. I know there's a divergence of opinion here about the approach, but I want to commend you for the work you do.

I think, Ms. Perrier, you said that you've helped over 400 women and girls get out of the situation of being trafficked and being oppressed. Thank you for that work. What I'd like to know, though, is how funding of your type of organization works as far as your operations go. Is there anything more that government can do to support any type of organization that is doing work to support women and girls in this fashion?

Ms. Natasha Falle: Yes, we are a volunteer coalition, so any money that's raised is raised through speaking engagements, consultation, and training. That money goes into helping the women to exit through gift cards, grocery store cards, midnight safety plans, emergency exit strategies. That's basically where our friends come.

We've had some events where we've raised some small amount of money, but other than that we do not receive any government, provincial or federal, money whatsoever.

Ms. Bridget Perrier: We have a huge coalition of volunteers who will go in and remove someone from a situation or if we have a girl who's setting up and finally able to secure housing or whatever, I put the call out. I work on subcontracting through indigenous organizations to work one-on-one with survivors. I train the staff and all that—

Mr. Colin Fraser: Okay.

Ms. Bridget Perrier: —but I also speak internationally.

Mr. Colin Fraser: That's probably my time, so we'll have to—

The Chair: It's definitely your time.

Now we'll move to ask short snappers. To some members of the committee who have shorter questions, just let me know that you have them and I'll be happy to recognize you.

We're going to start with Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair, and thank you to the witnesses.

I appreciate the fact that you're here and I appreciate that there are differences.

Ms. Falle, you had something you wanted to add to Mr. Rankin's question and I don't think you had an opportunity to.

Ms. Natasha Falle: Thank you.

I believe it had something to do with not being able to.... There was some mention that there was some fear of calling the police, and I want to say that the women who we support report otherwise. They say that they believe that the laws are actually giving them more leverage, because they now know that they can call the police and they will not be charged. They feel that gives them more control in a situation with these strange men.

Mr. Dave MacKenzie: Thank you very much, and I do appreciate what your comments are about the police. I don't think they're bad people in this situation.

We did hear from the two ladies who ended up in this industry, if you will.

How did you end up in that same industry? Was there somebody coercing you? Were you forced into it in some respect or did you walk into it?

Ms. Kara Gillies: I was 17 years of age and I found myself on my own. I struggled for a bit trying to find employment as somebody who was below the age of employment in many more traditional fields and I started working on the street. I entered into it with a lot of trepidation and a fair amount of fear and yet I found for me, quite quickly, it was something I was competent at and I was comfortable with. Then I moved on to work in strip clubs, massage parlours, and other agencies.

While I recognized that I had a lot of limitations in my life at that point, I also had the opportunity not just to survive but to thrive. For me as an individual, sex work has been really valuable, not just in terms of my economic well-being, but in terms of my social circles, my connections, and how I've been able to move forward. I recognize that's not true for everyone.

I do think it would be true for more people if we didn't have the legal and social repression that we experience, because I can say as somebody who is out as a prostitute, I face a huge amount of stigma and disparagement and that can be hard to manage, but for me, on the balance, it's been worth it.

● (1700)

Ms. Lanna Perrin: I was 16 when I moved out on my own. I had no father at my home. My single mother had extreme mental health issues. I didn't feel comfortable, so I moved out on my own, and the welfare cheques that I got didn't last until the end of the month. I was in school. When I went to the soup kitchen, I met other girls my age who were able to go out on the corner for a few hours and make a few hundred bucks, and that's what I started doing.

When I got older I went into a few different massage parlours and agencies. Some of them were good and some were bad. I've had different experiences. I am not a sex addict. I am not coming from trauma. Currently, I hold a position at PASAN which is a prisoners' HIV and AIDS agency where I run an indigenous program. I work 35 hours a week there.

I work five hours a week doing on-the-ground, street-level outreach with backpacks, talking to sex workers who are working on the streets. I do hand drumming for the Native Women's Resource Centre of Toronto a couple of times a week. I live a pretty normal life. The only thing that is not normal about it is when I was young, I made some bad choices. I have shit credit.

I live in Toronto. I make over $3,000 a month and it's not enough to pay rent for me and my four children. We live in a motel room.

Mr. Dave MacKenzie: Okay, thank you very much.

All of you are very articulate. I think you expressed yourselves very well, but I think we would also recognize that there are two extremes, two differences, and what I think we, as a committee, are trying to wrestle with is to deal with the two extremes and take out the force, the violence, and all those things. To get there is going to be a struggle for all of us and we recognize that, but if we didn't hear from both sides we could very easily walk away and think there's only one side to the equation.

I know it's difficult, but I believe the whole committee appreciates the fact that you are here, and you have educated us.

The Chair: Thank you, and well summarized, Mr. MacKenzie, and much appreciated.

Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

Thank you to the witnesses for sharing your stories

One thing we've learned so far in this study as it progressed is the lack of data when we're looking at tackling something like human trafficking at a national level, maybe sex trafficking or labour trafficking for the purposes of forced labour. One thing we keep hitting against is the lack of data and the evasive nature of the crime.

Ms. Thomas—and I would like to hear from every one of you—when you collect data in your own organizations, you would understand the way the victims operate and also perhaps understand how the national framework of data collection with respect to victims specifically could be better coordinated. Can I have your thoughts on how we can improve our data sharing system or data collecting system?

● (1705)

Ms. Lori Anne Thomas: The only way I think you're going to be able to get it is through the intervention of police agencies, and at least documenting or providing.... They would be the best because they're the ones on the front line, then the prosecution, and I would include race-based statistics. The problem is you're asking people, both the police and the crown attorneys, who already have a significant amount on their plate, to assist with statistical data collection, and that's going to be difficult to do.

I think that's the only way you're going to get that information you need, especially with those who have the intervention of the criminal justice system, whether charges are laid or not.

Ms. Lanna Perrin: May I add to that? I've seen this a lot on the streets of Toronto where a lot of different people want to collect data. There are surveys. They give honorariums, and if you identify as a trafficked woman and do this questionnaire, you're going to get $100. They've never been trafficked in their lives, and I've seen it many times through Maggie's, more than you want to believe.

Ms. Natasha Falle: While on the street corner being trafficked, I've received questionnaires by Maggie's about which terminology would be appropriate to use. Nearly all of us were against the term "sex worker", because we felt that it led people to believe that we were there for sex, when in fact we were there for money. The money was our number one motivating factor, whereas for the people who were buying sex, they were there for sex, power, and control.

I ran a court diversion program for seven and a half years. I was a counsellor and program manager of a court diversion program, which is what led Bridget and me to start our coalition. We didn't believe that women should be criminalized in having to be forced to go to support.... I believed in my program. My program was good. We were able to get some stats through our intake process, which were also submitted in another committee as evidence for the Bedford challenge. Eighty-five per cent of the people who came through our program indicated that they had been trafficked at some point during their duration in the sex trade. Eighty-five per cent reported that.

Ms. Linda MacDonald: One of the things I can't understand is why we're focused on trying to find ways to help women supposedly stay safe on the street instead of looking at the young people who are unsafe on the street now and providing them viable, safe options to get off the street. That's one of the problems we're grappling with in our province of Nova Scotia.

I'm part of a task force on human trafficking in Nova Scotia. The young kids come and talk about the trafficking, and there's no real safe place for them. If we had safe places, we would get the data there, and they wouldn't have to be forced to make choices on whether they want to stay on the street or not. They could get an education and develop a life that's not based on whether they want to be exploited or not. Whether or not someone wants to recognize the term, it's exploitation. When someone is buying your body, I don't know what other term we can use.

I think it's very unfair to our youth in this country to be moving away from the law that we've already developed against prostitution and exploitation. We obviously can't separate human trafficking and prostitution. A lot of this conversation today has been about prostitution. I'm fine with that, but I thought I was coming to a panel on human trafficking.

I'll give you the example of talking to the police in Sweden about going to Germany and visiting the German brothels. One of them presented a panel for us in Nova Scotia. Many activists came and viewed his talk. He showed us images of men who went to a legitimate brothel, some masked and some not, and wanted to gangbang a pregnant woman. That was what they bought. She was eight months pregnant. Some had their masks on. Some were happy to show their faces.

That's the way we move if we start to say that it's okay to exploit women and girls. That's a dangerous place, in my opinion. I think we're being co-opted by the sexualized exploitation industry to change our thinking away from where we started. We have seven countries now that have moved to the Nordic model. They're moving that way. If Canada moves backwards, to me it's a sad statement for our youth.

● (1710)

The Chair: We're going to go to the next questioner. I think that debate was exhausted.

Monsieur Picard.

Mr. Michel Picard (Montarville, Lib.): I have a number of very small questions, but there's a line to follow with that, so bear with me. I would suggest that you all wear your earpieces, because I would like to switch to French, please. I'm much more comfortable with my own language. Okay?

[*Translation*]

I will approach this issue with an open mind. I have no problem discussing this subject. There is even a list of circumstances that could justify the need for sexual services outside of an exploitative context. Let's set that aside.

My first question is for Kara Gillies.

When you provide a service, what percentage of income do you keep and what percentage do you give to your supervisor?

[*English*]

Ms. Kara Gillies: It varies dramatically. It varies across subsector, on the street, in a massage parlour, in an escort agency. It varies geographically.

I can say that if you are working for somebody else, you can give anywhere from 5% or 10% up to, more commonly, 50% or 60%, and in situations that I would call largely exploitative, it could be as much as 100%. Often it's dependent upon what services you're getting in return, so if an escort agency is providing a driver, a place to work, and paying for your ads, you're going to be paying more than for an escort agency that, for example, is just running an ad for you.

[*Translation*]

Mr. Michel Picard: Let's say the percentage varies from 5% to 10% or from 60% to 80%, in general. The purpose isn't to give details by sector of activity; I don't want a price list. However, I assume that the person supervising you is not a duly incorporated entity with a registration number and a GST number.

[*English*]

Ms. Kara Gillies: It really varies. In municipalities—and Toronto is one of them—there are some sex work establishments that are not overtly addressed as such, and they offer, say, erotic massage or escort services, but they really are sex work services, and those that are registered and incorporated do indeed collect and remit HST. Others do not.

Just like other businesses in other sectors, people conduct themselves in different ways.

[*Translation*]

Mr. Michel Picard: What conditions do you have to meet when you tell your supervisor that you're leaving your job?

[*English*]

Ms. Kara Gillies: Typically it's, "Well, we're sorry to lose you," and, "Goodbye." That's where I think we need to distinguish between sex work and trafficking, because clearly, if somebody is trafficked, they can't say goodbye and walk out the door. The reality is that there are enough people willing to engage in sex work and enough people willing to hire them that it becomes a non-issue. In fact, in a big city like Toronto, there are many workers who move from establishment to establishment looking for the work conditions and the work pay that works best for them.

[*Translation*]

Mr. Michel Picard: Okay.

I've had conversations with former Montreal gang members. They told me that it's almost impossible to meet someone working in the sex industry who isn't under the control of a pimp.

Do you agree with that statement?

[*English*]

Ms. Kara Gillies: Sorry, could you say that again?

The Chair: I'll translate. The Montreal police services told him that it's almost impossible to find—

Mr. Michel Picard: No, former gang members.

Allow me to switch. Former gang members—

The Chair: Have told him that it's almost impossible for somebody to be in this industry without being under the control of a pimp. He's asking if you believe that's true or not.

Sorry about the gang versus the police.

Mr. Michel Picard: It's okay—other gangs.

Ms. Kara Gillies: Absolutely not. I've worked for many years completely independently. I would also question the language of "pimp". If by "pimp" one means a manager, then of course one can work with or without one. It is the case, though, that if you have somebody watching out for you, it can help with things like bail costs, security, and navigating the system. It can help with all sorts of specifics.

That said, I can't speak to particular subregions across the country where, particularly around gang activity, there may be particular contexts and dynamics that could mean you can't work if you don't have a man.

● (1715)

Mr. Michel Picard: Speaking of a manager, what kind of a contract do you have with your own employer?

Ms. Kara Gillies: I'm sorry. Could you say that again?

Mr. Michel Picard: Speaking of managers, what kind of contract do you have with this person?

Ms. Kara Gillies: As the worker?

Mr. Michel Picard: You work with a manager apparently, so what kind of contract do you have?

Ms. Kara Gillies: At this point, our contracts are all verbal. That's simply because any written contract would be a clear violation of the criminal laws pertaining to third parties materially benefiting in relation to a commercial enterprise or procuring. That is a challenge because when you have a verbal contract in any work sector, it's much harder to enforce because you just have somebody's word for it.

One of the reasons I really push for better protections for sex workers is that many of the abuses we face are not physical violence or psychological trauma, although that can clearly happen. It's labour abuses. If we don't have the protections of employment standards, human rights legislation, occupational health and safety, it really is up to the discretion of individual managers, and that's not fair for anybody in any type of work.

Mr. Michel Picard: So, would you say you can leave without any reservation, without any restriction, in all sincerity that if you leave your manager, you will not have any repercussions?

Ms. Kara Gillies: Do you mean in the majority of cases that are not trafficking cases?

Mr. Michel Picard: No, I mean in your case.

Ms. Kara Gillies: Personally?

Mr. Michel Picard: Yes.

Ms. Kara Gillies: I have never had that problem, and I've worked for dozens of massage parlours and a handful of escort agencies, and now I work part time on an independent basis, but I've never had a hard time leaving. You just move on to something else.

Mr. Michel Picard: Ms. Falle, what is the percentage of the market that this exception represents?

Ms. Natasha Falle: It's very small, just from my own experience and the experiences of the women we have supported.

I personally have counselled over a thousand victims of sex trade and sex trafficking, and these are the stories I'm hearing. If they want to work in a particular strip club, they must perform fellatio to the manager or the owner, and if they don't, then they can no longer work there. I heard the same with a massage parlour not too long ago, where a massage parlour owner had HIV that was not disclosed and he was having the masseuses there perform unprotected fellatio if they wanted to work there.

Those are just a couple of examples. Most of the pimps I have known have moved up on the ladder. They may have started at the lower scale of things on the street, moved up with the money they gained off the backs of women, and opened up escort agencies and massage parlours. Just giving these guys a business permit doesn't turn them into good, honest businessmen. They still use the same abuse tactics.

Mr. Michel Picard: Give me a second. I have dozens of questions.

The Chair: We pretty much have exhausted the time. You're at eight minutes.

Mr. Michel Picard: I was on a roll.

The Chair: I know and it was very impressive too.

[*Translation*]

Thank you for reminding me that Canada has another official language.

Mr. Michel Picard: Thank you.

[*English*]

The Chair: Do you have anything further, Mr Rankin?

Does anybody else who hasn't asked anything have anything further?

If you want to make the last comment, go ahead.

Ms. Jeanne Sarson: I just want to respond to your question about whether the perpetrators look for people who could withstand sexualized torture. There are laws in different countries that specifically address sadism and sexualized torture, so we have some examples of that, but it is a recognized reality that the perpetrators demand different things, whether it's a newborn infant or whether it's torture victimization.

Mr. Colin Fraser: Thanks very much for that.

The Chair: Thank you very much.

I want to thank every member of the panel. You've brought different perspectives to us, and it's very much appreciated. We've heard from people across the country in many different contexts, and the panels have all been very different. Some panels have focused on labour, some panels have focused on a more legal framework, and others have focused on sex work, and it's going to be different everywhere.

Again, I really appreciate it. I think you created a bit of a debate and it was very helpful.

Thank you all, ladies, very much.

We'd like to wish everybody a very wonderful day.

The meeting is adjourned.

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